



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,991	10/22/2001	So Kawamura	NSUG:845	7803

7590 10/08/2003

Charles A. Wendel
PARKHURST & WENDEL, L.L.P.
Suite 210
1421 Prince Street
Alexandria, VA 22314-2805

EXAMINER

MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary	Application No. 09/982,991	Applicant(s) KAWAMURA ET AL.	
	Examiner James S McClellan	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 2, line 9, "manufacture" should be replaced with --manufacturer--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,148,291 (Radican).

Regarding **claim 1**, Radican discloses a method for managing physical distribution of products and returnable containers in which a first party ships at least one products packed in a returnable container to a second party in response to a request from the second party to ship the at least one product, and the second party sends back the returnable container to the first party (see column 7, lines 47-54 and column 16, lines 4-44), including the steps of: receiving a request from a second party to ship at least one product (it is inherent that the customer requested the product); determining a product inventory (via database 12); and [claim 5] transmitting to a server via the computer network data indicating a number of products shipped from the first

Art Unit: 3627

party, and renewing inventory information database of the products on the server based on the number of shipped products received by the second party.

Radican fails to disclose determining a returnable container inventory balance and when said balance is below a predetermined inventory level, sending notice to the second party to return empty containers. The Examiner notes that Radican appears to disclose a second party returning empty containers as soon as the containers are emptied, not upon notice of a low container inventory by a first party.

Johnson et al. teaches an inventory management system that links a first party and a second party, wherein when an item has a low inventory, a notice is sent to suppliers to replenish the low inventory (see column 2, lines 22-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Radican with an inventory monitoring system as taught by Johnson et al. , because utilizing a just-in-time inventory management system will allow Radican to only store the optimum number of containers, wherein reducing inventory costs for empty containers.

Regarding **claims 7 and 10**, Radican in combination with Johnson et al. disclose a system for managing physical distribution of products and returnable containers in which a first party ships at least one product packed in a returnable container to a second party upon a request of the second party to ship the products and the second party sends back a number of returnable containers as set forth above for method claim 1.

Art Unit: 3627

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Langham, Jr. et al. is cited of interest for disclosing a returnable shipping container for shipping automotive parts.

Radican is cited of interest for disclosing a container monitoring system and method.

Graves is cited of interest for disclosing an inventory management method and apparatus.

Niles et al. and Bradford are cited of interest for disclosing a reusable storage and shipping container.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

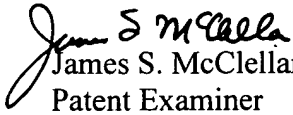
Commissioner of Patent and Trademarks
Washington D.C. 20231

or faxed to:

(703) 305-7687 (Official communications) or
(703) 746-3516 (Informal/Draft communications).

Art Unit: 3627

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th floor receptionist.


James S. McClellan
Patent Examiner
A.U. 3627

jsm
January 21, 2002